

THE HON'BLE SRI JUSTICE RAJA ELANGO
CRL.R.C.M.P. No.1483 of 2015
IN/AND
CRIMINAL REVISION CASE No.1337 OF 2014

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COMMON ORDER:

This Criminal Revision Case is filed against the judgment, dated 24.06.2014, passed in CrI.A. No.104 of 2011 by the XIII Additional District & Sessions Judge, Narasaraopet, Guntur District, wherein the learned Sessions Judge confirmed the order of conviction and sentence passed by the II Additional Junior Civil Judge – cum – II Additional Judicial Magistrate of First Class, Narasaraopet, Guntur, in C.C. No.137 of 2010 vide judgment dated 28.02.2011. CrI.R.C.M.P. No.1483 of 2015 is filed to compound the offences.

The 2nd respondent – complainant filed CC No.137 of 2010 before the II Additional Junior Civil Judge-cum-II Additional Judicial Magistrate of First Class, Narasaraopet, against the petitioner for the offence under Section 138 of the Negotiable Instruments Act (for short 'NI Act'). Learned Magistrate found the accused guilty of the said offence and accordingly convicted and sentenced him to undergo simple imprisonment for six months and to pay a fine of Rs.10,000/-. Challenging the same, the accused preferred an appeal in CrI.A. No.104 of 2011 before the XIII Additional District & Sessions Judge, Narasaraopet, Guntur and the learned Sessions Judge by judgment, dated 24.06.2014, dismissed the appeal by confirming the conviction and sentence imposed by the trial Court. Aggrieved by the same, the present revision is filed.

Pending the revision case, both the 2nd respondent – complainant and the petitioner – accused filed CrI.R.C.M.P. No.1483 of 2015 to compound the offence and to record the compromise arrived at between them and to close the case by setting aside the impugned order. It is stated in the affidavits filed in support of the compromise

petition that at the intervention of the elders, the matter was settled out of Court.

Today both parties are present before this Court and they are identified by their respective counsel. The 2nd respondent stated that the matter has been settled out of Court and he has no objection for setting aside the impugned order.

Having regard to the circumstances, Crl.R.C.M.P. No.1483 of 2015 is allowed. Consequently, Crl.R.C. No.1337 of 2014 is allowed and the judgment, dated 24.06.2014 passed in Crl.A. No.104 of 2011 by the District & Sessions Judge, Narasaraopet, Guntur District, confirming the judgment in CC No.137 of 2010, dated 28.02.2011 passed by the II Additional Junior Civil Judge – cum – II Additional Judicial Magistrate of First Class, Narasaraopet, Guntur District, is set aside and the petitioner – accused is acquitted of the offence under Section 138 of NI Act. Fine amount, if any, paid by the petitioner – accused is directed to be refunded to him.

Miscellaneous petitions, pending if any, shall stand closed.

RAJA ELANGO, J

June 11, 2015.
KTL